

July 21, 2010

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**Elisabeth A. Shumaker  
Clerk of Court

JAMES W. BURBANK,

Plaintiff-Counter-Claim-Defendant,

v.

UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF  
UTAH, all Judges; UTAH STATE  
POLITICAL ENTITIES; UTAH TAX  
COMMISSION; UTAH DMV; DULY  
AND AUTHORIZED ACTING  
JUDGES OF THE STATE OF UTAH;  
UINTAH COUNTY, political  
subdivision of the State of Utah;  
UINTAH COUNTY SHERIFF'S  
DEPARTMENT, political subdivision  
of the State of Utah; UINTAH  
COUNTY ATTORNEY, political  
subdivision of the State of Utah,

Defendants,

v.

DALE NOLEN STEVENS,

Counterclaim-Defendant -  
Appellant,

MARTIN TERRY CAMPBELL;  
CURTIS RICHMOND; THOMAS  
SMITH; THE ORDER OF WHITE  
LIGHT, a Utah corporation, d/b/a The  
Western Arbitration Council;

No. 10-4126  
(D.C. No. 2:04-CV-00742-SPF-DN)

WAMPANOAG NATION, Tribe of  
Grayhead, Wolf Band, an  
unincorporated association-in-fact,

Counterclaim-Defendants,

and

UINTAH COUNTY, UTAH; JOANN  
B. STRINGHAM, Uintah County  
Attorney; RICK HAWKINS; JOHN  
LAURSEN, Uintah County Deputy  
Sheriff,

Counter-Claimants - Appellees.

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**ORDER**

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Before **BRISCOE**, Chief Circuit Judge, and **O'BRIEN** and **GORSUCH**, Circuit  
Judges.

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This is an appeal from a non-final order of the magistrate judge denying the  
appellant's motion for appointment of counsel. We dismiss for lack of appellate  
jurisdiction.

This order is not directly appealable to this court. Except for proceedings  
conducted by the magistrate judge on consent of the parties pursuant to 28 U.S.C.  
§ 636(c), a court of appeals lacks jurisdiction to hear an appeal taken directly  
from a decision of a magistrate judge. *See Colorado Building & Construction  
Trade Council v. B.B. Andersen Construction Co.*, 879 F.2d 809 (10th Cir. 1989).

Moreover, the denial of the appointment of counsel is not immediately appealable. *See Cotner v. Mason*, 657 F.2d 1390 (10th Cir. 1981).

**APPEAL DISMISSED.**

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

Ellen Rich Reiter  
Deputy Clerk/Jurisdictional Attorney